IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 3RD AUGUST 2007 / 12TH SRAVANA 1929

WP(C).No. 23545 of 2007(C)

PETITIONER:

K.DIVAKARAN NAIR, AGED 54,
S/O. GOVINDAN NAIR, MANAGING PARTNER,
SANDHYA TOURIST COMPLEX, CHANGANACHERRY.

BY ADV. SRI.JOHNSON MANAYANI

RESPONDENTS:

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1. THE DISTRICT COLLECTOR,
KOTTAYAM.

2. THE PRINCIPAL SECRETARY TO REVENUE
AFFAIRS, SECRETARIAT, THIRUVANANTHAPURAM.

3. THE SALES TAX OFFICER, (CIRCLE 2),
CHANGANACHERRY.

4. THE STATE OF KERALA, REPRESENTED BY
ITS PRINCIPAL SECRETARY, REVENUE AFFAIRS,
SECRETARIAT, THIRUVANANTHAPURAM.

BY G.P. SRI. C.K. GOVINDAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 03/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF THE ORDER OF THE MINISTER

EXT.P2 TRUE COPY OF THE PETITIONDATED 30.7.2007 FILED BEFORE THE 1ST RESPONDENT.

EXT.P3 STRUE COPY OF THE PETITION FILED BY THE PETITIONER DATED 30.7.2007

ANNEXURE A1 TRUE COPY OF THE INTERIM ORDER OF THIS HON'BLE COURT IN WPC 23545 OF 2007

ANNEXURE A2 TRUE COPY OF THE FAX MESSAGE SENT TO RESPONDENTS 1 AND 2

RESPONDENTS' EXHIBITS: NIL

TRUE COPY

P.S. TO JUDGE.

C.N.RAMACHANDRAN NAIR,J.

W.P.C. NO. 23545 OF 2007

Dated this the 3rd day of August, 2007

JUDGMENT

Petitioner who is in arrears of sales tax was granted instalment facility by Government on 28.7.2007 to clear the arrears in instalments. However, hotel was taken over on 27.7.2007 on account of default. Under interim orders of this court, hotel was reconveyed to the petitioner on payment of 50% of the arrears. The order of this Court is consistent with the schedule of payment granted by the Government. In the circumstances, W.P. is disposed of directing the respondents to withhold all recovery proceedings if petitioner clears arrears in terms of Government order and thereafter to revoke the recovery proceedings against the petitioner.

(C.N.RAMACHANDRAN NAIR)
Judge